

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

UNITED STATES OF AMERICA,

v.

DORA ANN WILSON,

Defendant.

:
:
:
:
:
:
:
:
:

Case No.: 1:02-cr-14-003 (WLS)

ORDER

Before the Court is Defendant's letter requesting the Court waive the fine imposed as a part of her sentence. (Doc. 208.) Defendant was sentenced on March 4, 2005, to 30 months imprisonment followed by a supervised release of 60 months, and ordered to pay a fine of \$40,000. (Doc. 215.) Defendant states that she had applied for disability benefits, is receiving food stamps, and relies on family members for housing. (Doc. 208 at 1.) Due to these circumstances, she requests that the Court waive the fine assessed against her.

While Federal Rule of Criminal Procedure 35(c) empowers a sentencing court to correct a sentence that "resulted from arithmetical, technical, or other clear error," it limits the Court's action to the fourteen days after the imposition of the sentence. Fed. R. Crim. "only to those cases in which an obvious error or mistake has occurred in the sentence." Fed. R. Crim. P. 35(c) advisory committee notes. "Under Rule 35(c), the district court may not simply change its mind." *United States v. Yost*, 185 F.3d 1178, 1181 (11th Cir. 1999). As Defendant's request fails to specify any arithmetical, technical, or other clear error, and was made far outside of the fourteen-day period, the Court

cannot revisit Defendant's sentence. Accordingly, Defendant's request to waive the \$40,000 fine assessed against her (Doc. 208) is **DENIED**.

SO ORDERED, this 7th day of May, 2013

/s/ W. Louis Sands

**THE HONORABLE W. LOUIS SANDS,
UNITED STATES DISTRICT COURT**